

REMARKS

The application presently stands with claims 1-7, 22-23, and 26-33. Claims 1-3, 6, 22-23, 26-33 are amended for the reasons mentioned below. Claims 1, 22 and 29 are independent.

As a preliminary matter, Applicant notes that the listing of the status of pending claim 5 is missing from the Office Action.

Claims 26-28 stand rejected under 35 USC §112, second paragraph as being indefinite. Applicants made the correction to remove the informality as requested by the Examiner by amending the claims to recite a “method” instead of a “system” for consistency to claim 1. For this reason, Applicant respectfully requests that the indefiniteness rejection of claims 26-28 be withdrawn.

Claims 1-4, 6-7, 22-23 and 26-28 stand rejected under 35 USC §103(a) as being unpatentable over Kobylevsky et al. (US Patent No. 6,493,427) in view of Goetz et al. (US Patent No. 6,421,650). In response, the cited references do not disclose or suggest audibly prompting a pharmacy for a first indicator of information by reciting a statement of words describing the first indicator, retrieving a second indicator of the information from a database, and then audibly reciting the second indicator to the pharmacy to confirm the information is correct as recited in generally similar language in present claims 1 and 22. This permits the pharmacy to use a mode of communication for requesting a refill authorization that is even more accurate than typing the data into a computer since the interactive voice response system eliminates the need to visually double check something typed on a computer screen with the risk that the visual check may be performed badly or not at all. Instead, the presently claimed system forces the pharmacy to pay careful attention to what is being heard in order to obtain the desired refill authorizations (see e.g. page 12, lines 3-14 (steps 140-144 on FIG. 3A1)). In contrast to the present invention, Kobylevsky merely discloses that a pharmacy may call into a central facility to obtain messages left by a doctor but has absolutely no disclosure as to exactly how this is carried out.

In addition, Goetz discloses hand held devices with screens for doctors and patients. Again, no motivation exists in Goetz that discloses why a pharmacy would want to receive audible requests for information for requesting refill authorizations.

For the reasons mentioned above, applicant submits that the 34 USC §103(a) rejection of independent claims 1 and 22 as well as their respectively depending claims 2-4, 6-7, 23, and 26-28 have been overcome and withdrawal of the rejection is respectfully requested.

Claims 29-33 stand rejected under 35 USC §103(a) as being unpatentable over Kobylevsky et al. (US Patent No. 6,493,427) in view of Goetz et al. (US Patent No. 6,421,650) and further in view of Pilarczyk (U.S. Patent No. 4,766,542). In response, Applicant repeats similar arguments from above and applies them here. Specifically, claim 29 recites a first indicator of information audibly recited to the pharmacy, using the first indicator to look up information, retrieving a second indicator, and reciting the second indicator to the pharmacy which is not disclosed or suggested by the prior art references. For these reasons, Applicant submits that the §103(a) of claim 29, and its depending claims 30-33 have been overcome and respectfully request that these rejections be withdrawn.

CONCLUSION

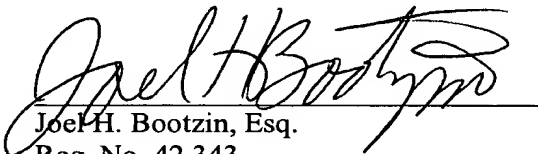
For all the reasons mentioned above, applicant respectfully requests reconsideration and allowance of all pending claims. The Examiner is invited to contact the undersigned attorney to expedite prosecution.

Very truly yours,

FITCH, EVEN, TABIN & FLANNERY

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